

Harrod-Rancourt exchange on September 11, 2008, EBOG meeting to discipline

Exchange of communications between Secretary of the University (and Secretary of the Executive Committee of the Board of Governors, EBOG) and Professor Denis G. Rancourt, regarding the nature and format of the EBOG meeting of September 11, 2008, at which the final decision to discipline Professor Rancourt for his UofOWatch blog was taken.

The documents are in inverse chronological order (except for Harrod's September 9th letter which is attached on the last page of the present document) and start with the September 23rd letter from Dean of the Faculty of Science André E. Lalonde's letter to Professor Rancourt announcing the EBOG decision of September 11, 2008.

The background of the situation has been described here:

<http://uofowatch.blogspot.com/2008/08/uofowatch-blog-too-much-for-ufo-board.html>



Université d'Ottawa
Faculté des sciences
Cabinet du doyen

University of Ottawa
Faculty of Science

Office of the Dean

Professor Denis G. Rancourt
Department of Physics
Intra

September 23, 2008

Professor Rancourt:

On March 19th I recommended to the Board of Governors that a suspension of one day without pay be assessed against you for refusing to remove images for which the University holds the copyright, from the internet. This recommendation for suspension followed my letter of reprimand of February 5, 2008, after you had been formally instructed to remove the images and had not, thus constituting insubordination.

Subsequent to a pre-grievance process that you initiated as a result of this recommendation, a pre-grievance memorandum was signed that confirmed that the parties were unable to resolve the matter.

As a result, the Executive of the Board of Governors considered the recommendation of the Dean, along with the documents you had sent, at its meeting of September 11th, 2008.

The Executive of the Board of Governors accepted the Dean's recommendation. The decision was unanimous.

Following is the extract of the consideration and decision of the matter:

ATTENDU QUE suite aux représentations écrites des parties et à la recommandation du doyen de la Faculté des sciences d'imposer une suspension disciplinaire d'une journée sans solde au professeur Denis Rancourt.

CONSÉQUEMMENT, le Comité exécutif du Bureau des gouverneurs de l'Université d'Ottawa adopte la résolution suivante :

Que la sanction disciplinaire d'une journée de suspension sans solde soit imposée au professeur Denis Rancourt telle que recommandée par le doyen André Lalonde dans sa lettre du 19 mars 2008 et selon les motifs exprimés par l'Université dans la lettre adressée au membre par la conseillère juridique de l'Université, Me Michelle Flaherty, le 28 août 2007.

Accordingly, a suspension of one day will be applied. The suspension will be applied on October 17, 2008 and your pay deposit for the October 31 pay will show a reduction of one day of pay for this day.

As provided by the collective agreement, under article 39.1.5, I am also advising you that you may grieve the decision of the Board under article 13.4 by forwarding a notice of grievance within 15 working days.

Sincerely,



André Lalonde
Dean
Faculty of Science

c.c.: Louise Pagé-Valin, Associate Vice-President, Human Resources
Mario Lamontagne, APUO Liaison Officer

Subject:Decision, Rancourt discipline, September 11th meeting

Date:Fri, 12 Sep 2008 16:29:43 -0400 (EDT)

From:dgr@uottawa.ca

To:secruniv@uottawa.ca

CC:dgr@uottawa.ca, apuoadm@uottawa.ca, adecelle@cmhc-schl.gc.ca, aghie@uottawa.ca, chenailjo@oag-bvg.gc.ca, crh-rc-rhc@ustpaul.ca, cvierula@bankofcanda.ca, drampton@uottawa.ca, dstonge@nrcan-rncan.gc.ca, dubouloz@uottawa.ca, gilles.hurteau@sympatico.ca, jclark@aurion.ca, jdale@ocri.ca, jdekonin@uottawa.ca, JMORR031@uottawa.ca, jorban@thecitizen.canwest.com, jp@soubliere.com, jpronovost@ledroir.com, louise.lemyre@uottawa.ca, Louise.tardif@nbf.ca, mjolicoeur@blgcanada.com, patry@uottawa.ca, pdeblois@rogers.com, peter.harder@fmc-law.com, pherrndo@nac-cna.ca, "pmercier@uOttawa.ca"
<pmercier@uottawa.ca>, RKENN087@uottawa.ca, rlabbe@med-eng.com, terry.sheahan@mbna.com, yt@purple-angle.com, allan.rock@uottawa.ca, president@uottawa.ca

September 12, 2008

Pamela Harrod
Secretary of the Executive Committee of the Board of Governors
Secretary of the University
University of Ottawa

Re: Decision, Rancourt discipline, September 11th meeting

Dear Secretary Harrod,

It was very unfortunate that the Executive Committee of the Board of Governors chose to discuss my case yesterday without allowing me audience. This behaviour of the Committee, in view of my request, is contrary to the principles of transparent governance described in Vision 2010. It does not portray the University in a positive light.

Please now inform me of the outcome, arrived at in secrecy, in the matter of my one-day suspension for using uOttawa.ca images on my work-related UofOWatch.blogspot.com blog.

You can send me copy of the minutes of the meeting later, after they are approved at your next meeting of the Executive Committee of the Board of Governors.

I trust that, if the Executive of Board has decided to uphold the Dean's recommendation, we can choose a day in consultation where I have not scheduled campus meetings with colleagues and students.

Thank you in advance.

Yours truly,
Denis Rancourt

(Professor)

Cc: APUO, BOG, media.

Subject:Secretary's letter of September 9, 2008; September 11 Executive of the BOG meeting

Date:Wed, 10 Sep 2008 20:53:28 -0400 (EDT)

From:dgr@uottawa.ca

To:secruniv@uottawa.ca

CC:dgr@uottawa.ca, apuoadm@uottawa.ca, adecelle@cmhc-schl.gc.ca, aghie@uottawa.ca, chenailjo@oag-bvg.gc.ca, crh-rc-rhc@ustpaul.ca, cvierula@bankofcanda.ca, drampton@uottawa.ca, dstonge@nrcan-rncan.gc.ca, dubouloz@uottawa.ca, gilles.hurteau@sympatico.ca, jclark@aurion.ca, jdale@ocri.ca, jdekonin@uottawa.ca, JMORR031@uottawa.ca, jordan@thecitizen.canwest.com, jp@soubliere.com, jpronovost@ledroir.com, louise.lemyre@uottawa.ca, Louise.tardif@nbf.ca, mjolicoeur@blgcanada.com, patry@uottawa.ca, pdeblois@rogers.com, peter.harder@fmc-law.com, pherrndo@nac-cna.ca, "pmercier@uOttawa.ca"
<pmercier@uottawa.ca>, RKENN087@uottawa.ca, rlabbe@med-eng.com, terry.sheahan@mbna.com, yt@purple-angle.com, allan.rock@uottawa.ca

September 10, 2008

Pamela Harrod
Secretary of the University
University of Ottawa

Re: Secretary's letter of September 9, 2008; September 11 Executive of the BOG meeting

Dear Ms. Harrod,

This is in reply to your letter of September 9, 2008 (attached), following my email of September 8 (below), in answer to your email of September 3rd, in answer to my email of September 3rd.

I see no evidence in your letter of September 9th that you have consulted and received instruction from the Executive of the Board in this matter of the format of our September 11th meeting.

You appear to be deciding and only putting the Executive of the Board in cc (and only in your most recent letter). In this matter the Board is the highest authority by virtue of the University of Ottawa Act and it has delegated its authority to the Executive Committee of the Board of Governors (the Executive of the Board). You appear to be running this matter as though the administration (your office in possible consultation with other VPs or the President) were the highest authority calling itself "the University".

I am concerned that you have turned the order of authority on its head in this matter and your letters have said nothing to alleviate my concern.

Therefore, in order to clear up this misunderstanding in the most efficient and transparent way possible, I will come to the September 11th meeting to discuss the format of the meeting with the Executive of the Board itself. I expect that the Executive of the Board will accept my reasonable proposals concerning the meeting format and I expect to present my latest arguments at the meeting. Consequently, we may need to move to a larger room.

Yours truly,
Denis Rancourt
(Professor)

cc: APUO, BOG, and made public

Related link:
<http://uofowatch.blogspot.com/2008/08/uofowatch-blog-too-much-for-uofoboard.html>

September 8, 2008

Pamela Harrod
Secretary of the University
University of Ottawa

Re: Secretary's letter of September 3, 2008; September 11 Executive of the BOG meeting

Dear Ms. Harrod,

This is in reply to your letter of September 3, 2008, sent to me by email on September 3, 2008. Your letter (attached) was in response to my email of the same day (September 3, 2008; attached below).

My email of August 30th to professors invited them to confirm with you their September 11th presence. I ask that the Executive of the Board accept the public nature of the meeting, in the interest of collegiality and openness, and in the spirit of the University of Ottawa Act.

Your letter of September 3, 2008, presents no evidence that you have considered the position expressed in my email of September 3, 2008.

In addition, your September 3, 2008, answer did not allow time for the members of the Executive of the Board to consider my September 3rd position and to respond to you with their decision and instructions. It appears that you have unilaterally made a decision in the place of the Executive of the Board.

Therefore, in order to facilitate our further communications on these points, I will come to the September 11th meeting in order to ask the Executive of the Board to consider the position I have expressed in my September 3rd email. I expect that the Executive of the Board will accept my reasonable proposals concerning the meeting format and I expect to present my latest arguments at the meeting. Consequently, we may need to move to a larger room.

Yours truly,

Denis Rancourt
(Professor)

cc: APUO, BOG, and made public

Related link:
<http://uofowatch.blogspot.com/2008/08/uofowatch-blog-too-much-for-uofo-board.html>

September 3, 2008

Pamela Harrod
Secretary of the University
University of Ottawa

Re: Secretary's letter of August 28, 2008; September 11 Executive of the BOG meeting

Dear Ms. Harrod,

This is in reply to your letter of August 28, 2008 (attached below). I ask that you forward your letter of August 28th and my present response to all the members of the Executive of the Board of Governors.

Thank you for confirming my invitation to the September 11 meeting of the Executive of the Board of Governors. It is a basic principle of natural justice that the respondent be heard at the final level of decision in any such process. I believe I have a right to address the Executive of the Board in this decision regarding discipline.

I expect that my presentation will require no more than 30 minutes.

My accompanying person will be a person of my choice. I note your desire that the APUO be present and suggest that you invite the APUO to attend. I have no objections in this regard.

I waive my right to confidentiality for the entire Executive of the Board of Governors proceedings that deal with my present case.

The Collective Agreement (and the University of Ottawa Act, effectively) foresees that this final decision regarding discipline be taken by the full Board of Governors, whose meetings are public. Therefore, I believe it would be fair process, given the circumstances, that the September 11th meeting be open to the public and I assume that this will be the case.

Sincerely,
Denis Rancourt
(Professor)

cc: APUO and made public

Related link:
<http://uofowatch.blogspot.com/2008/08/uofowatch-blog-too-much-for-uofo-board.html>

Le 28 août 2008

Monsieur Denis G. Rancourt
Ottawa (Ontario)

Cher Monsieur Rancourt:

Je vous écris pour donner suite à une lettre qui vous a été envoyée le 20 août dernier pour vous inviter à une rencontre le 11 septembre prochain à 13 heures à la pièce 210 du pavillon Tabaret et vous informant que le Comité exécutif se penchera sur une recommandation à l'effet que vous fassiez l'objet d'une suspension d'un (1) jour.

Nous vous avons déjà acheminé tous les documents qui seront mis à la disposition du Comité exécutif lors de leur prise de décision. Veuillez prendre note que tel que prévu dans la convention collective, le doyen André Lalonde n'a pas ajouté de commentaires.

Malgré le fait que cette rencontre ne soit pas nécessaire en vertu de la convention collective, il a été décidé de vous inviter à la rencontre et vous permettre d'intervenir relativement à la recommandation. Vous disposerez d'une période de cinq (5) minutes pour vous adresser aux membres du Comité exécutif.

Puisque vous avez déjà entamé des procédures en vertu de la convention collective, nous nous attendrons à ce que vous soyez accompagné par un représentant de votre syndicat, l'APUO.

Soyez également avisé que toute question traitant de ressources humaines est traitée à huis clos. Le public n'est pas invité à y assister. Toutes les discussions sont d'ordre confidentiel et ne doivent en aucun cas être divulguées à de tierces parties.

Auriez-vous l'obligeance de bien vouloir nous confirmer, par écrit, réception de cette lettre et votre acceptation d'y participer selon les modalités mentionnées ci-dessus et ce, au plus tard le 3 septembre prochain.

Sincèrement,

Pamela Harrod
Secrétaire de l'Université



uOttawa

Université d'Ottawa
Cabinet du secrétaire

University of Ottawa
Office of the Secretary

PERSONAL & CONFIDENTIAL

September 9, 2008

Professor Denis G. Rancourt
35 Simcoe Street
Ottawa, ON
K1S 1A3

Dear Professor Rancourt,

I acknowledge receipt of your email correspondence dated September 8, 2008 with respect to the meeting of the Executive Committee of the Board of Governors scheduled for September 11, 2008. The position of the University with regard to the nature of the proceeding and your participation therein has been entirely set out in my September 3, 2008 letter to you. The University has given due consideration to all relevant matters in its decision-making process, including its own internal rules, regulations and past practices.

In light of the above-noted considerations, I wish to reiterate the University's invitation to you to present any further written submissions to the Executive Committee which you wish to be taken into account at its upcoming meeting relating to the imposition of a one (1) day suspension.

Sincerely,

A handwritten signature in black ink, appearing to read "PA Harrod".

Pamela A. Harrod
University Secretary

cc: Executive Committee of the Board of Governors